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BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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SEP 29 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Mishicot, Wisconsin; Gulliver, Manistique
and Rogers City, Michigan)

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)
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RM-9336

COMMENTS AND COUNTERPROPOSAL

Ives Broadcasting, Inc. ("Ives"), licensee of WHAK-FM, Rogers City, Michigan, submits its comments and counterproposal with respect to the above-captioned Petition for Rule Making ("Petition") submitted by Bay-Lakes-Valley Broadcasters, Inc. ("BLV") on June 26, 1998.

BLV's goal is to upgrade WGBM(FM), Mishicot, Wisconsin, from Class A to Class C3 status on Channel 234. BLV's proposed amendments to the FM Table of Allotments are as follows¹:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Mishicot, WI	234A	234C3
Gulliver, MI	234C1	260C1
Manistique, MI	260A	227A
Rogers City, MI	244C2, 260C2	244C2, 292C2

¹ Petition at 3.

Adoption of BLV's proposal, however, would disrupt two other stations: WCMM(FM), Channel 234C1, Gulliver, Michigan; and WHAK-FM, Channel 260C2, Rogers City, Michigan. It also would change the allotment at Manistique, Michigan (Channel 260A), for which three applications are pending.

Ives prefers to have WHAK-FM continue broadcasting on Channel 260C2 at Rogers City to maintain continuity with its listeners. It submits this counterproposal to allow the proposed upgrade of WGMB(FM)'s allotment, but without the disruption to WHAK-FM or to the Manistique allotment. Even the special reference point BLV proposes still can be used. The simpler and less disruptive proposal Ives presents is made possible by the withdrawal of another rulemaking petition for an allotment in another community. As the attached Engineering Report shows, BLV's upgrade can be granted with the involvement of only one other station, WCMM(FM), Gulliver, Michigan.²

Accordingly, Ives proposes the following changes be adopted in lieu of those set forth in BLV's Petition.

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Mishicot, WI	234A	234A
Gulliver, MI	234C1	274C1

² See attached Engineering Report, prepared by E. Harold Munn, Jr. & Associates, Inc.

With the minimization of changes to the FM Table of Allotments, this counterproposal should have greater appeal to both the Commission and BLV and will avoid disruption to the listening public served by WHAK-FM.

WHEREFORE, in light of all circumstances present, the Notice of Proposed Rule Making to be issued in the above-captioned proceeding should reflect the Ives counterproposal set forth herein.

IVES BROADCASTING, INC.

By 

Matthew H. McCormick
Its Counsel

Reddy, Begley & McCormick
2175 K Street, NW, Suite 350
Washington, D.C. 20037
(202) 659-5700

September 29, 1998

**ENGINEERING REPORT
IN SUPPORT OF A
COUNTER-PROPOSAL TO
RULEMAKING RM-9336**

**Channel 234C1 for 234A – Mishicot, WI
Channel 273C1 for 234C1 – Gulliver, MI**

September 1998

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E. Harold Munn, Jr. & Associates, Inc.
Broadcast Engineering Consultants
Coldwater, MI 49036

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CERTIFICATION OF ENGINEERS

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

September 3, 1998

E. Harold Munn, Jr. & Associates, Inc.

By Wayne S. Reese
Wayne S. Reese, President

By Donald J. Baad
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DISCUSSION OF REPORT

The office of E. Harold Munn, Jr. & Associates, Inc. has been retained to prepare this engineering report in support of a counter-proposal to amend the FM Table of Allotments found in 47 CFR §73.202(b). Bay-Lakes-Valley Broadcasters, Inc. (Bay-Lakes-Valley) has filed a petition, RM-9336, to amend the Table of Allotments in order to upgrade its facility at Mishicot, WI, WGBM (FM), from Channel 234A to Channel 234C3. The Bay-Lakes-Valley proposal also involved additional changes in allocations at Gulliver, MI, Manistique, MI, and Rogers City, MI. This report provides technical support for a counter-proposal showing that WGBM (FM) can make the desired upgrade with only one additional allocation change at Gulliver, MI.

A study was made of the Channel 234C3 allocation at Mishicot, WI using the special reference point proposed by Bay-Lakes-Valley. This point is defined by the coordinates: 44° 22' 48" NL and 87° 36' 58" WL. Using a currently updated secondary copy of the FCC database of FM broadcast stations, the Tabulation of Allocation Spacing found in Figure 1 was developed. Inspection of this tabulation will show that under the current rules the proposed reference point meets all spacing requirements except toward WCMM (FM) at Gulliver, MI.

Figure 2 shows an InterDLG™ map of the small open area for Channel 234C3 at the special reference point. As shown in the tabulation, the reference point is located virtually at the point of intersection between the required protection arcs toward WKTJ (FM) at Milwaukee, WI and WLST (FM) at Marinette, WI. A second InterDLG™ map, included as Figure 3, shows the predicted principal community contour (70 dBu – 3.16 mV/m) that a full Class C3 facility operating from the reference point would produce. The community boundaries of Mishicot are shown on this map and lie completely within the predicted contour.

The counter-proposal, which this engineering report supports, seeks to eliminate the short spacing toward WCMM (FM) at Gulliver, MI by moving WCMM (FM) from Channel 234C1 to Channel 273C1. A Tabulation of Allocation Spacing for this frequency is shown as Figure 4. The reference point used for this study is the present transmitter site of WCMM (FM), which is: 45° 58' 01" NL and 88° 29' 18" WL. Inspection of this tabulation will show that this site meets all of the spacing requirements for 47 CFR §73.202(b). Thus, no modification of any additional allocation is required to achieve the goal of the Bay-Lakes-Valley proposal.

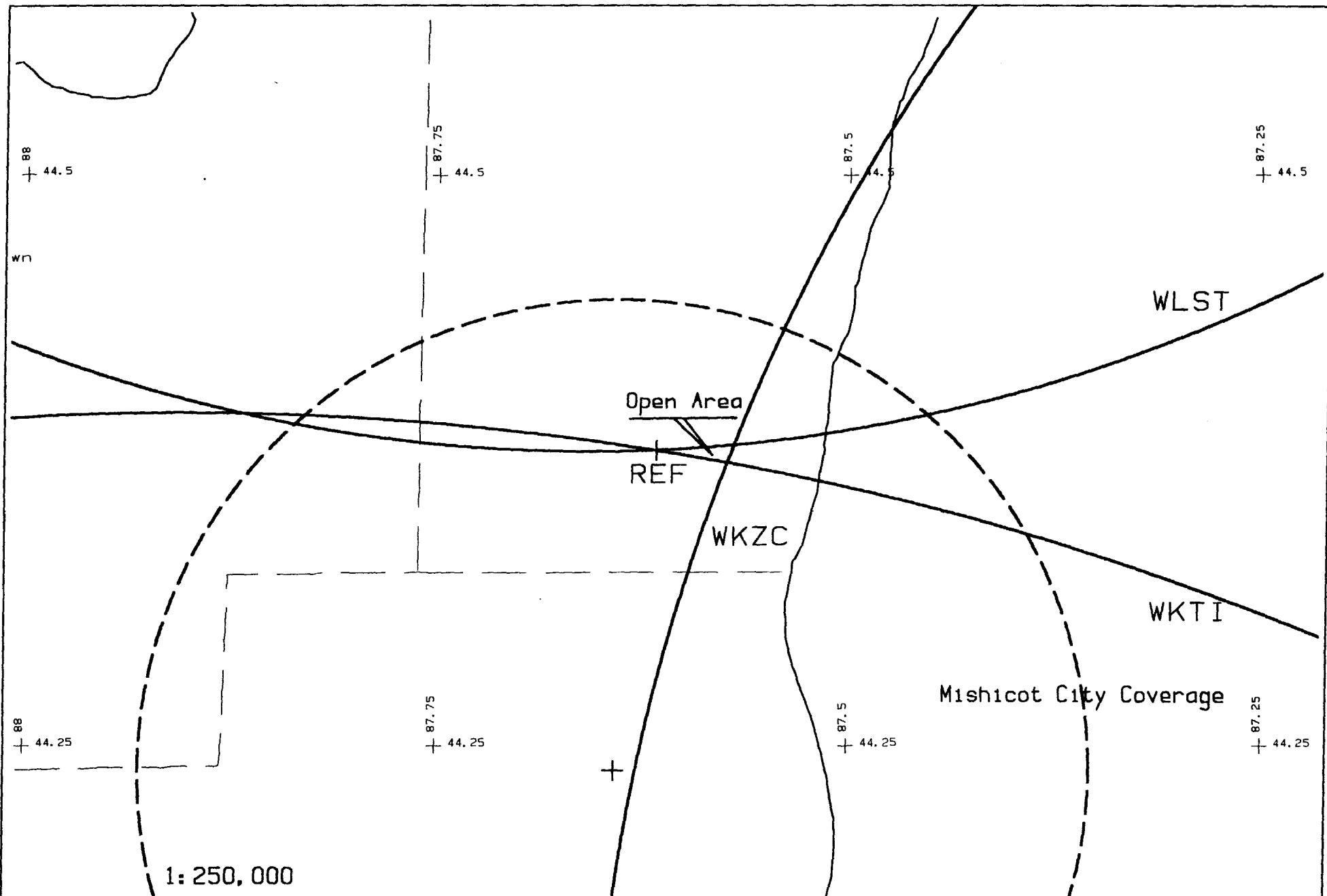
Figure 5 shows a relatively large open area for Channel 273C1 at Gulliver, MI. Although the community of Gulliver is not within the open area, the present WCMM (FM) transmitter site is. This site is located approximately 37 km west of Gulliver. The predicted principal community contour (70 dBu – 3.16 mV/m) for the licensed facility of WCMM shifted to Channel 273C1 is shown in Figure 6. The location of the community of Gulliver is also shown on this map. Inspection of the map will show that the principal community contour does cover the community of license as required by the rules.

The counter-proposal, which this report supports, requests the Table of Allotments found in 47 CFR §73.202(b) be amended as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Mishicot, WI	234A	234C3
Gulliver, MI	234C1	273C1

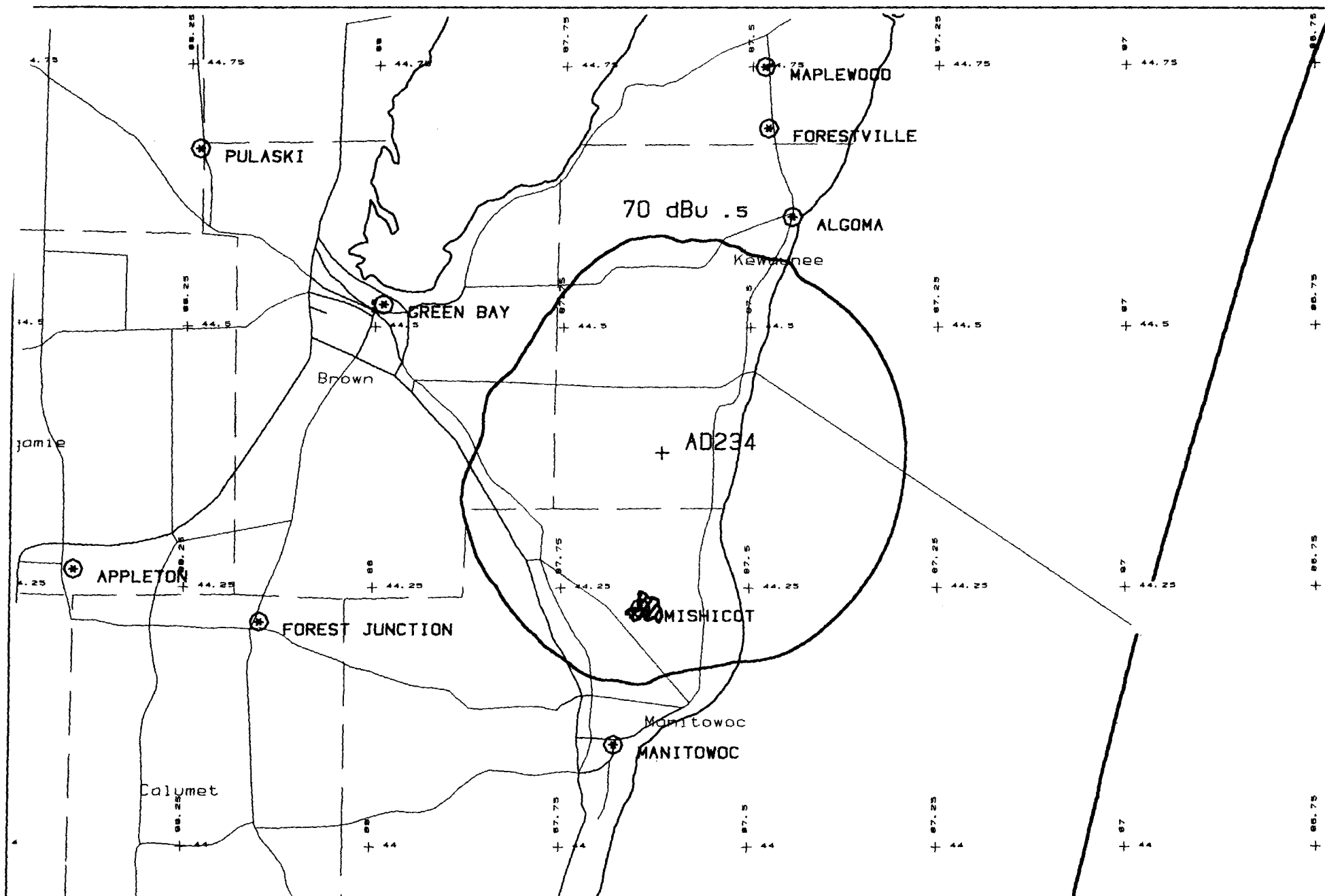
FIGURE 1
TABULATION OF ALLOCATION SPACING

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AD234	AD 234C3	Mishicot	WI 0.00	0.0	153.0	-153.00
44 22 48	87 36 58	0.000 kW	0 M			
Bay-Lakes-Valley Broadcasters		RM9336	980828			
WGBM	LI 234A	Mishicot	WI 14.21	252.6	142.0	-127.79
44 20 30	87 47 10	6.000 kW	100 M			
Bay Lakes Valley Broadcasters		BLH950103KB	950629			
DE234	DE 234A	Mishicot	WI 14.21	252.6	142.0	-127.79
44 20 30	87 47 10	0.000 kW	0 M			
Bay-Lakes-Valley Broadcasters		RM9336	980828			
WCMM	LI 234C1	Gulliver	MI 197.39	26.2	211.0	-13.61
45 58 01	86 29 18	100.000 kW	248 M			
WSHN, Inc.		BLH920228KC	940405			
DE234	DE 234C1	Gulliver	MI 197.39	26.2	211.0	-13.61
45 58 01	86 29 18	0.000 kW	0 M			
Bay-Lakes-Valley Broadcasters		RM9336	980828			
WKTJ	LI 233B	Milwaukee	WI 145.01	189.2	145.0	0.01
43 05 29	87 54 07	15.500 kW	277 M			
WTMJ, Inc.		BLH7640	961118			
WLST	LI 236C1	Marinette	WI 76.01	357.6	76.0	0.01
45 03 48	87 39 26	100.000 kW	133 M			
Near North Broadcasting, Inc.		BLH931206KB	940509			
WKZC	LI 235C3	Scottville	MI 102.37	110.1	99.0	3.37
44 03 27	86 24 58	17.000 kW	122 M			
Chickering Associates, Inc.		BLH931022KC	950912			
Proposed to Canada as Class C1 950126-Accepted by Canada 950331						
WROE	LI 232C3	Neenah-Menasha	WI 58.75	245.4	43.0	15.75
44 09 30	88 17 03	13.000 kW	140 M			
Central States Network L.P.		BLH950920KB	960116			
WOFM	LI 234C2	Mosinee	WI 200.35	290.6	177.0	23.35
44 59 18	89 59 42	50.000 kW	150 M			
Midwest Radio, Inc.		BLH911030KG	961023			
WROE	LI 232C3	Neenah-Menasha	WI 74.06	254.3	43.0	31.06
44 11 50	88 30 30	2.400 kW	67 M			
Central States Network L.P.		BLH970529KB	971008			
auxiliary facility						



CHANNEL 234C3 OPEN AREA - MISHICOT, WI

FIGURE 2
MUNN & ASSOC. - 09/98



Scale in km 0 10 20 30	FULL FACILITY 234C3 25kW 315.55M AMSL N. Lat. 44 22 48 W. Lng. 87 36 58	FIGURE 3 MUNN & ASSOC. - 09/98
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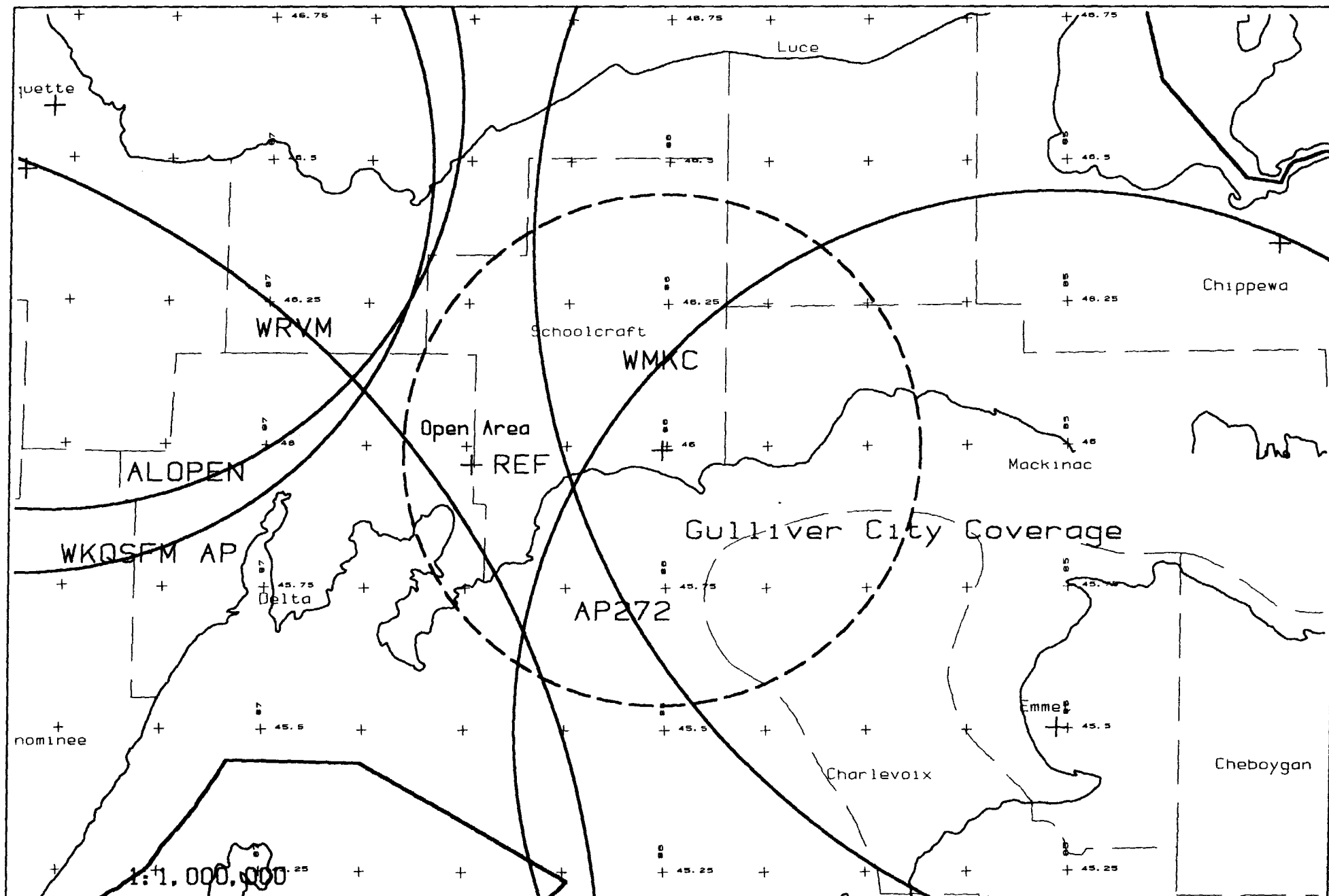
FIGURE 4
TABULATION OF ALLOCATION SPACING

CLASS = C1
Current Spacings

DISPLAY DATES
DATA 08-29-98
SEARCH 09-02-98

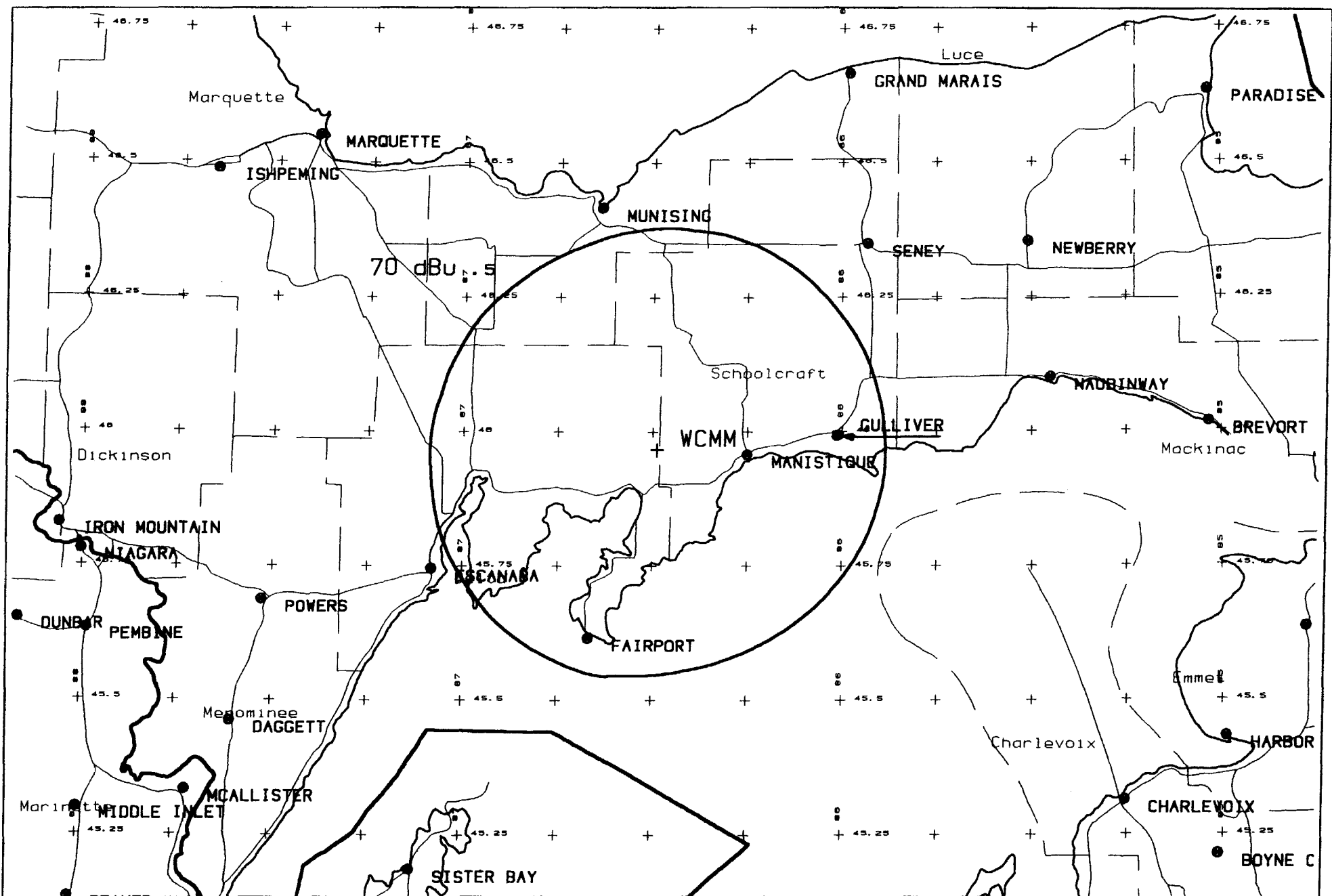
Channel 273 - 102.5 MHz

Call	Channel	Location	Dist	Azi	FCC	Margin	
N. Lat.	W. Lng.	Power	HAAT				
WRVM	LI 274C1	Suring	WI	184.07	234.8	177.0	7.07
44 59 50	88 23 49	CN	100.000 kW	299 M			
WRVM, Inc.		BMLED980511KB		980812			
Non-commercial educational station operating on a commercial channel							
AP272	AP 272C3	Sault Ste. Marie	MI	161.55	74.1	144.0	17.55
46 20 44	84 28 09	C CN	25.000 kW	78 M			
Great Lakes Community Broadca		BPED980714MB		980723			
Commercial Channel Operating Educational							
WMKC	LI 275C	St. Ignace	MI	124.79	114.0	105.0	19.79
45 30 08	85 01 44	C CN	100.000 kW	336 M			
Mighty-Mac Broadcasting Compa		BLH901126KA		940511			
WKQSFM	AP 270C2	Negaunee	MI	104.35	303.5	79.0	25.35
46 28 42	87 37 21	CZCN	12.000 kW	163 M			
Todd Stuart Noordyk		BPH980409IB		980825			
From Channel 270A-One-Step Application							
Proposed as Class B to Canada 980818							
ALOPEN	AL 270C2	Negaunee	MI	107.47	310.6	79.0	28.47
46 35 25	87 33 15	C N	0.000 kW	0 M			
				980429			
Reserved for WKQSFM per One-Step Application BMPH-980409IB							
WKQSFM	LI 270A	Negaunee	MI	104.35	303.5	75.0	29.35
46 28 42	87 37 21	C CN	2.300 kW	163 M			
Todd Stuart Noordyk		BLH980115KA		980429			
*To Channel 270C2 per One-Step Application BMPH-980409IB							
ALOPEN	AL 272C3	Sault Ste. Marie	MI	174.91	69.6	144.0	30.91
46 29 36	84 21 06	C N	0.000 kW	0 M			
97-222				980713			
Reserved for Noncommercial Educational Use							
Accepted as Class B1 by Canada 980512							
Effective 7-6-98 per D97-222							
AP272	AP 272C3	Sault Ste. Marie	MI	183.52	70.8	144.0	39.52
46 29 10	84 13 49	C CN	22.500 kW	105 M			
Northern Christian Radio, Inc		BPED980707MH		980723			
Commercial Channel operating Educational							



CHANNEL 273C1 OPEN AREA MAP - GULLIVER, MI

FIGURE 5
MUNN & ASSOC. - 09/98



Scale in km
0 10 20 30 40 50 60 70

WCMC LICENSED FACILITY ON CHANNEL 273C1
N. Lat. 45 58 01 W. Lng. 86 29 18

FIGURE 6
MUNN & ASSOC. - 09/98

CERTIFICATE OF SERVICE

I, Pamela R. McKethan, hereby certify that on this 29th day of September, 1998, a copy of the foregoing **COMMENTS AND COUNTERPROPOSAL** was sent, via first-class, postage prepaid, U.S. mail, to:

Kathleen Scheuerle
Federal Communications Commission
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